

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services – Agriculture & Cooperation Department - ACB (DA) Case – Sri S. Ram Mohan, Deputy Director of Horticulture, Visakhapatnam and the then Divisional Forest Officer, VUDA, Visakhapatnam - Disproportionate Assets to the known sources of income - Request for sanction of Prosecution in a Court of Law – Rejected - Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No.680

Dated:28/10/2024

Read the following:

1. Radio Message dt.05.09.2013, 06.09.2013 & 07.09.2013 of Inspector, ACB, Visakhapatnam range.
2. G.O.Rt.No.1166, A & C (Vig.II) Dept., dt.13.09.2013.
3. From the Director General, ACB, A.P., Hyderabad, Letter Rc.No.257/RCA-WVP/2013-S11, dt.25.10.2013.
4. G.O.Ms.No.118, A & C (Vig.II) Dept., dt.23.12.2013.
5. Representation dt.Nil of Sri S.Rama Mohan, Deputy Director of Horticulture, Visakhapatnam (U/s) received through CMP.No.5/CMP-MP/2014, dt.01.01.2014 of the then Spl. Secretary to CM, CMO, Hyderabad.
6. G.O.Rt.No.325, A & C (Vig.I) Dept., dt.14.05.2015.
7. G.O.Rt.No.406, A & C (Vig.I) Dept., dt.28.05.2015.
8. From the Director General, Anti-corruption Bureau, A.P., Vijayawada, Letter Rc.No.257/RCA-WVP/2013-S11, dt.25.05.2017.
9. G.O.Rt.No.706, A & C (Vig.I) Dept., dt.09.11.2017.
10. From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, Lr.Rc.No.57/RCT-VKI/2017-S.9, dt.24.04.2024.

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O R D E R:

In the reference 1st read above, the Inspector, ACB, Visakhapatnam range, has informed that, in Cr.No.15/RCA-VSP/2013 U/S7,13(2) R/W 13(1) (e) of PC Act, 1988 ACB, Visakhapatnam Range, a case was registered against Sri S. Rama Mohan, Deputy Director of Horticulture and the then Divisional Forest Officer, VUDA, Visakhapatnam on the allegation of acquisition of assets disproportionate to the known sources of his income. The Accused Officer was arrested on 04.09.2013 at 19.00 hours at his residence situated at G-2, Akshaya Enclave, Santhipuram, Visakhapatnam City and produced before the Hon'ble III Addl. District Sessions Judge- Cum- Spl.Judge for ACB Cases, Visakhapatnam on 05.09.2013 at 3.30 Hrs and the Hon'ble Judge granted remand to him till 18.09.2013. He was handed over to Central Prison, Visakhapatnam on the same day. The remand period of the Accused Officer exceeded by 48 hours and hence requested to place the Accused Officer under suspension w.e.f. 06.09.2013 which is the date of his remand to judicial custody.

2. Basing on the above Radio Message, the Government have placed Sri S. Rama Mohan, Deputy Director of Horticulture, Visakhapatnam and the then Divisional Forest Officer, VUDA, Visakhapatnam, under suspension, in the reference 2nd read above, w.e.f. 06.09.2013, in terms of sub-rule 2(a) under 5(a) of rule 8 of the A.P.Civil Services (CCA) Rules, 1991, and shall remain under suspension until further orders.

3. In the reference 3rd read above, the Director General, ACB, A.P., Vijayawada, has submitted Preliminary Report in the matter and requested to authorize the Investigating Officer of this case under section 3 of the Criminal Law Amendment Ordinance 1944, for filing an application in the Court of III Addl. District and Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam, for attachment of properties worth Rs.1,08,88,751/- as described in the Annexures I to VI attached to the letter.

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4. Accordingly, in the reference 4th read above, the Government have issued orders, authorizing the Investigating Officer of ACB, Visakhapatnam Range, Visakhapatnam, for filing an application in the Hon'ble Court of III ADJ-Cum-Special Judge for ACB Cases, Visakhapatnam, for attachment of properties worth Rs. 1,08,88,751/- of the Accused Officer Sri S. Rama Mohan, Deputy Director of Horticulture and the then Divisional Forest Officer, VUDA, Visakhapatnam.

5. In the reference 5th read above, the Accused Officer, Sri S. Rama Mohan, Deputy Director of Horticulture and the then Divisional Forest Officer, VUDA, Visakhapatnam, has submitted a representation, requesting for institution of departmental inquiry and also for revocation of suspension and reinstatement into service.

6. The Government have reviewed the suspension in respect of the Accused Officer, Sri S. Rama Mohan, Deputy Director of Horticulture and the then Divisional Forest Officer, VUDA, Visakhapatnam on 25.03.2015 and revoked the suspension, in the reference 6th read above, pending disciplinary/criminal proceedings against him in the ACB Case and ordered to post him in non-focal/far off place, especially in Tribal Area in Horticulture Department and accordingly in the reference 7th read above, the Government have posted him as Deputy Director of Horticulture, Vizianagaram.

7. In the reference 8th read above, the Director General, ACB, A.P., Vijayawada, has submitted Final report in the matter and recommended for Prosecution of the Accused Officer, Sri S. Ram Mohan, Deputy Director of Horticulture and the then Divisional Forest Officer, VUDA, Visakhapatnam, in a Court of Law for the offences u/Sec. 13 (1) (e) r/w 13(2) of PC Act 1988, besides recommending Departmental action for violation of Rule 9 (1) (7) & (8) of A.P.C.S. (Conduct) Rules, 1964 and also requested the Government to issue sanction order as required under section 19(1)(b) of the Prevention of Corruption Act, 1988 for his prosecution in the Court of Law.

8. The Government, after examining the above report and considering the above facts of the case and also consulting with the Advisory Department, have inclined to believe that this is not a fit case for prosecution and the ends of justice would be met by initiating Departmental Proceedings against the individual under APCS (CCA) Rules 1991, by framing appropriate charges since no concrete and clinching evidence is coming forth to prove the value of the assets as well as to pin point that all the assets indicated in the report were acquired by the individual, and also to prove the accuracy of the amount of expenditure indicated in the report and accordingly, issued orders in the reference 9th read above, for Disciplinary Proceedings instead of prosecution in a court of law, against the individual.

9. In the reference 10th read above, the Director General, ACB, A.P., Vijayawada, has stated that the Government did not accord sanction for prosecution of the above Accused Officer, Sri S. Ram Mohan, Deputy Director of Horticulture and the then Divisional Forest Officer, VUDA, Visakhapatnam, in the reference 9th read above and in the said order, it is mentioned that, "Government hereby order that, "instead of prosecution in Court of law, Disciplinary Proceedings be initiated against the AO under APCS (CCA) Rules, 1991" without rejecting the prosecution with specific reasons and speaking order.

10. The Director General, ACB, A.P., Vijayawada has further quoted the interim orders passed in W.A.No.934/2022, dt.11.01.2024, 12.01.2024 and 11.03.2024 by the Hon'ble High Court of A.P. and also the Counter Affidavit, dt.07.03.2024 filed by the Government in it and requested the Government to accord sanction of prosecution sanction orders in the above said case, so that further necessary action will be initiated in accordance with Law.

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11. The Government have once again examined the Final report and the present request of the Director General, A.C.B, AP, Vijayawada, taking into consideration of the material on record and opined that, since no concrete and clinching evidence is coming forth to prove the value of the assets as well as to pin point that all the assets indicated in the report were acquired by the individual, and also to prove the accuracy of the amount of expenditure indicated in the report, it is not a fit case for prosecution in a Court of Lat under 13 (1) (e) r/t 13(2) P.C Act 1988.

12. In the circumstances stated above, the Government, hereby, **reject** the request for sanction of prosecution in respect of the Accused Officer Sri S. Ram Mohan, Deputy Director of Horticulture and the then Divisional Forest Officer, VUDA, Visakhapatnam, in a Court of Law under 13 (1) (e) r/w 13(2) P.C Act 1988.

13. The Director General, ACB, A.P., Vijayawada shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To:

The Director General, ACB, Pandit Nehru Bus Station,
NTR Administrative Block, 2nd Floor, Vijayawada A.P.

Copy to:

The Secretary to A.P. Vigilance Commissioner, A.P.V.C.,
5th Block, 1st Floor, A.P. Secretariat, Velagapudi.
Sf/Sc.

// FORWARDED BY ORDER//

SECTION OFFICER